IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 23573 of 2004

Between:

M. Aruna W/o Prasad, Fair Price Shop Dealer, Village Allurpet, Allur Mandal, Nellore District

..... PETITIONER

AND

1 The Revenue Divisional Officer, Kavali, Nellore district
2 Mandal Revenue Officer, Allur, Nellore District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondents in not supplying the essential commodities to the petitioner's F.P Shop of Allurpet Village, Allur Mandal, Nellore District, on the ground that Sec. 6-A Case Under E.C. Act is pending before the Joint Collector, Nellore, against the petitioner as illegal, arbitrary, without any authority of law and violative of principles of natural justice and consequently direct the Respondents to supply the Essential Commodities to the petitioner as usual.

Counsel for the Petitioner : MR.V.SUDHAKAR REDDY

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

Petitioner is a fair price shop dealer. Her complaint is that the respondents are not supplying the essential commodities, on the ground that proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act'), have been initiated against her, and she seeks appropriate directions, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

A fair price shop dealer is entitled to be supplied the essential commodities, as long as the authorization is in force. Even assuming that proceedings under Section 6-A of the Act have been initiated against the petitioner, it cannot constitute the basis for stoppage of the supply. Under the A.P. State Public Distribution System Control Order, 2001, initiation of 6-A proceedings may, in fact, constitute the basis to suspend the authorization. However, till any order of suspension or cancellation is passed, a dealer cannot be denied the supply.

Hence, the writ petition is disposed of directing that the respondents shall supply the essential commodities to the petitioner, as long as the authorization in her favour subsists. No order as to costs.

L.NARASIMHA REDDY, J

Dated : 17th December, 2004

Note: Office to furnish copy

In two days.

(B/o.)

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To

1 The Revenue Divisional Officer, Kavali, Nellore district
2 Mandal Revenue Officer, Allur, Nellore District

3 Two C.Cs. to the Government Pleader for Civil Supplies, High Court of A.P., Hyderabad. (OUT)

4 Two C.D. copies.